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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHNNY ESQUIVEL,

Petitioner,

v.

BRIAN WILLIAMS, et al.,

Respondents.

Case No. 2:17-cv-02227-RFB-PAL

**UNOPPOSED MOTION FOR
EXTENSION OF TIME IN WHICH TO
FILE AMENDED PETITION**

(Second Request)

Petitioner Johnny Esquivel hereby moves this Court for an extension of time of four (4) days, from April 30, 2018, to and including May 4, 2018, in which to file a counseled amended petition.

POINTS AND AUTHORITIES

1. Mr. Esquivel filed his pro se federal petition for a writ of habeas corpus in this Court on or about August 17, 2017. ECF No. 7. The Court appointed the Office of the Federal Public Defender to represent Mr. Esquivel on October 25, 2017, and requested the submission of a counseled amended petition. ECF No. 6. The amended petition is currently due on April 30, 2018.

2. Undersigned counsel has been reviewing Mr. Esquivel's file in an effort to comply with the Court's deadline. However, counsel respectfully suggests that additional time is necessary in order to properly prepare Mr. Esquivel's amended petition.

3. Undersigned counsel has prepared a complete draft of Mr. Esquivel's amended petition. However, undersigned counsel plans to file a series of exhibits along with Mr. Esquivel's amended petition. A brief extension is necessary in order to prepare those exhibits for filing.

4. Undersigned counsel has calculated that Mr. Esquivel's statute of limitations under 28 U.S.C. § 2244(d) expires on or about May 7, 2018. Undersigned counsel will file the amended petition before that deadline.

5. Undersigned counsel has had many professional obligations in recent weeks, including, among others, a reply brief filed on March 2, 2018, in *LaPena v. Grigas*, Case No. 15-16154 (9th Cir.); replies in support of motions for discovery and for an evidentiary hearing filed on March 9, 2018, in *Sawyer v. Baker*, Case No. 3:16-cv-00627-MMD-WGC (D. Nev.); an oral argument held on March 12, 2018, in *Gutierrez v. State*, Case No. 16-15704 (9th Cir.); a supplemental brief on procedural issues filed on March 14, 2018, in *Cortinas v. Gentry*, Case No. 3:10-cv-00439-LRH-RAM (D. Nev.); a reply in support of a petition filed on March 20, 2018, in *Gonzalez v. Williams*, Case No. 2:15-cv-00618-RFB-CWH (D. Nev.); an application for a

1 certificate of appealability filed on March 27, 2018, in *Corzine v. Baker*, Case No. 18-
2 15439 (9th Cir.); an opening brief filed on March 30, 2018, in *Banuelos v. Smith*, Case
3 No. 17-164889 (9th Cir.); an amended petition filed on April 2, 2018, in *Guzman v.*
4 *Filson*, Case No. 3:17-cv-00515-HDM-VPC (D. Nev.); a reply in support of a petition
5 for genetic marker analysis filed on April 23, 2018, and an opposition to a motion to
6 dismiss filed on April 26, 2018, in *Castillo v. Baker*, Case No. CR05-0560 (Nev. Second
7 Judicial Dist. Ct.); and a motion for stay and abeyance filed on April 26, 2018, in
8 *Rosales v. Byrne*, Case No. 3:16-cv-00003-RCJ-WGC (D. Nev.).

9 6. Undersigned counsel has many additional professional obligations in
10 the coming weeks, including, among others, an amended petition due on April 30,
11 2018, in *Elliott v. McDaniel*, Case No. 3:11-cv-00041-MMD-VPC (D. Nev.); an
12 amended petition due on May 7, 2018, in *Delapinia v. Williams*, Case No. 2:17-cv-
13 02376-MMD-CWH (D. Nev.); an amended petition due on May 19, 2018, in *Burch v.*
14 *Baker*, Case No. 2:17-cv-00656-MMD-VCF (D. Nev.); an opening brief due on May 21,
15 2018, in *Mercado v. State*, Case No. 74513 (Nev. Sup. Ct.); and an amended petition
16 due on May 30, 2018, in *Howard v. Wickham*, Case No. 3:16-cv-00665-HDM-VPC (D.
17 Nev.).

18 7. Therefore, undersigned counsel seeks an additional four (4) days, up to
19 and including May 4, 2018, in which to file the amended petition. This is undersigned
20 counsel's second request for an extension of time in which to file Mr. Esquivel's
21 amended petition.

22 8. On April 30, 2018, undersigned counsel contacted Deputy Attorney
23 General Sheryl Serreze and informed her of this request for an extension of time. As
24 a matter of professional courtesy, Ms. Serreze had no objection to the request. Ms.
25 Serreze's lack of objection should not be considered as a waiver of any procedural
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defenses or statute of limitations challenges, or construed as agreeing with the accuracy of the representations in this motion.

9. This motion is not filed for the purpose of delay, but in the interests of justice, as well as in the interest of Mr. Esquivel. Undersigned counsel respectfully requests that this Court grant this motion and order Mr. Esquivel to file the amended petition no later than May 4, 2018.

DATED this 30th day of April, 2018.

Respectfully submitted,

RENE L. VALLADARES
Federal Public Defender

/s/ Jeremy C. Baron
JEREMY C. BARON
Assistant Federal Public Defender

IT IS SO ORDERED:


RICHARD F. BOULWARE, II
United States District Judge

Dated: May 1, 2018.

CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2018, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Sheryl Serreze.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following non-CM/ECF participants:

Johnny Esquivel
No. 1093699
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419

/s/ Jessica Pillsbury
An Employee of the
Federal Public Defender